



Risky News

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EDITOR: TOM BELL

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State Risk Management's "Repetitive Motion Injury Prevention Program"

by Brenda M. Hardwick

In the early 1990's, the reported occurrences of upper extremity repetitive motion injuries such as carpal tunnel syndrome, tendonitis, thoracic outlet syndrome, and golfer's or tennis elbow, began to show a growth trend of alarming rates at a time when ergonomic solutions were in their infancy.

Traditional medical treatment for these injuries did little to curtail the number of claims, dealt only with the symptoms and continued to be increasingly costly. The Repetitive Motion Injury Cost Reduction Program (RMICRP) incorporates three distinct yet complimentary components to achieve its goals:

- * an "Ergonomic, Train-the-Evaluator" training course,
- * a Web-based "On-line Repetitive Motion Injury Prevention" course,
- * and the "Trauma Release Techniques™," an alternative and highly effective, on-site, hands-on treatment derived from Rolfing, which is a deep tissue manipulation system.

The program goals are:

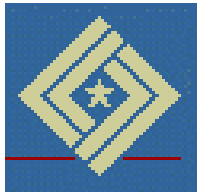
- Improve workforce awareness about repetitive motion injuries;
- Increase repetitive motion injury prevention training for employees;
- Multiply the number of ergonomic evaluations being performed;
- Decrease the occurrence of these injuries and the claims; and
- Reduce the cost of treating these injuries when they do occur.

The program is yielding exceptional results. On-site employees trained to perform workstation evaluations and the on-line training course have significantly increased prevention awareness and the number of evaluations being performed in participating departments. The pilot study produced a 29% reduction in the overall cost to treat repetitive motion injuries during fiscal year 2000-2001.

The RMICRP provides on-site, holistic and comprehensive treatment for the injury and its causes rather than merely addressing the symptoms of the injury. The on-premises treatment includes an evaluation by a certified Level II occupational medicine physician who determines treatment eligibility and follows the claim through to closure. Each session takes approximately 30 minutes as opposed to the 1 to 2 hours per visit usually needed by traditional treatment methods. The program educates the injured employee and facilitates a positive change in postural work habits. Every employee who participates in the Trauma Release Techniques treatment method must also have a workstation evaluation done as part of the treatment process.

The volunteer pilot program statistics show outstanding success. During FY2000-2001, claim costs for traditional medical treatment were \$136,021.87; claim costs using the Trauma Release Techniques™ were \$21,449.23, resulting in a savings of \$114,572.77. There was also an average treatment timesaving of 33 hours per claim. Also, Trauma Release Techniques™ claims typically remain active for 6-8 weeks while traditional treatment is often several months.

State Risk Management plans to implement the program statewide by the year 2005.



OSHA UPDATE

OSHA Fines Colorado Employers For Safety and Health Violations

Failure to protect employees working in dangerous confined spaces and other hazards including potential overexposure to anhydrous ammonia has resulted in citations against an Englewood, Colo. company by the Occupational Safety and Health Administration. Proposed penalties total \$174,000.

The citations were issued Jan. 11 by OSHA's Englewood area office against Suiza, doing business as Meadow Gold Dairies, Inc., following an inspection of Meadow Gold's plant at 1325 W. Oxford. The inspection was initiated in July, following an employee complaint about serious safety and health hazards, according to OSHA Area Director John Healy.

OSHA cited the company for alleged repeat violations for failure to issue permits to maintenance employees entering "permit-required" confined spaces and not adequately training employees to work in these areas, which may contain dangerous moving parts, a hazardous atmosphere, or substances that can cause death by plugging the respiratory system.

Other alleged repeat violations were: not performing annual evaluations of the company's lockout/tagout program; failure to medically evaluate employees to wear respirators; failure to fit-test employees prior to using a respirator; blocked portable fire extinguishers; failure to protect employees from hazardous machine nip points; failure to protect employees exposed to unguarded chain conveyors; and missing covers on electrical panels and junction boxes. Proposed penalties for the alleged repeat violations total \$127,500.

A \$46,500 penalty was proposed for 21 alleged serious violations such as fall hazards; exposed rotating shafts, belts and pulleys; open electrical panels; damaged extension cords and conduit; and wet floors.

A Pueblo wire manufacturer's failure to protect employees from serious hazards such as overexposure to lead has led the Occupational Safety and Health Administration to issue \$179,500 in citations against the company. The citations were issued by OSHA's Englewood area office against Davis Wire Pueblo Corporation, following an inspection that began in July in response to an employee complaint.

OSHA cited Davis Wire for an alleged willful violation for exposing employees to lead in excess of the permissible exposure level (PEL); failure to adequately monitor for lead; and failure to implement engineering controls to reduce lead exposure. Overexposure to lead can harm the gastrointestinal tract, blood, central nervous system and kidneys, according to John Healy, OSHA area office director.

A second alleged willful citation was issued for failure to have a respiratory program, as well as failure to provide medical evaluations, respirator fit-testing, and respirator training for employees exposed to lead in excess of the PEL. Proposed penalties total \$140,000 for the two alleged willful violations.

A total of \$17,500 in penalties was proposed for five alleged serious violations: failure to properly clean and store respirators; lack of an adequate eyewash station; damaged electrical panels; inadequate strain relief on electrical cords; and locating employees' food and beverages in a high-lead area. An additional alleged serious citation, with a proposed penalty of \$2,000, was issued for inadequate chemical labeling, and for not providing a hazard communication program and hazard communication training.

Two alleged repeat citations were for exposing employees to an ingoing nip point and allowing employees to wear lead-contaminated clothing into their lunch or break room where their table was contaminated with lead. These carry proposed penalties of \$20,000.

Davis Wire is located adjacent to the Rocky Mountain Steel Mill in Pueblo.

From OSHA press releases.



EPA UPDATE

Environmental Violators Face Jail Time

A Washington, D.C.-area landlord has been sentenced in U.S. District Court in Greenbelt, Md., to incarceration for two years for obstructing an investigation by the Department of Housing and Urban Development and making false statements to federal officials, in order to conceal his failure to notify tenants of the presence and hazards associated with lead-based paint. The case is the first-ever criminal prosecution in the United States related to failure to give lead hazard warnings that are required by the federal Lead Hazard Reduction Act of 1992.

David D. Nuyen, 65, of Silver Spring, Md., was also sentenced to pay a fine of \$50,000 by Judge Deborah K. Chasanow. As part of his guilty plea, Nuyen has provided all tenants with new notices about lead paint assessments performed by an independent contractor required under the terms of a plea agreement with prosecutors.

Nuyen has owned and managed approximately 15 low-income apartment buildings in the District of Columbia and Maryland. Nuyen admitted that he had notice of actual lead-paint hazards in one of his apartment buildings from District of Columbia lead inspectors, who informed him that they found lead in the building. However, Nuyen failed to disclose actual and potential lead hazards before leasing to tenants.

The Lead Hazard Reduction Act requires landlords to give tenants warnings, which can be done by using a standard disclosure form, about actual and potential lead paint hazards present in the property, and an EPA pamphlet about how to minimize the dangers to children. The law also directs landlords to document their compliance with the law by keeping lead disclosure forms and tenant signatures on file.

Nuyen filed false disclosures and did not provide lead-hazard information as required by law.

A former environmental contractor, James Edward Adams of Inman, S.C., has been sentenced to 27 months in prison and three years of supervisory release for conspiracy to commit mail fraud and related crimes, the Department of Justice and the Environmental Protection Agency announced. The sentencing took place in the federal district court for the District of South Carolina.

Adams was the former president and owner of Carolina Upgrading of South Carolina, Inc., an Inman, S.C. environmental contracting business providing testing services for owners and operators of underground storage tanks (USTs). USTs contain petroleum products, including gasoline, and UST owners and operators are required by law to have their tanks tested to ensure their systems are not leaking any petroleum into the groundwater or soil.

Adams directed employees of his company to fraudulently provide false UST test reports to owners and operators of UST facilities located in South Carolina, North Carolina, Florida, Georgia, Virginia and Tennessee.

Adams and his employees committed the scheme by printing false graphs for UST tests that were performed improperly or not at all. Many of the false tests became known as "driveway tests," because employees would generate the false tests on a computer in their own driveways, without ever conducting the tests at the UST facilities. Adams ordered employees to send the false test results and an invoice for payment through the mail to the company's customers. The company received payment, also through the mail, from each defrauded customer.

Adams was ordered to pay a special assessment of \$1,500 and will have three years of supervised release after serving his 27-month prison sentence. The company was placed on probation for three years and ordered to pay a special assessment of \$6,000. The court did not impose a fine on Adams or the company based upon an inability to pay.

From Justice Department and EPA press releases.



ADA UPDATE

The Law School Admission Council (LSAC), the agency that administers the Law School Admission Test (LSAT), has agreed to revise its policies on test accommodations for persons with physical disabilities under a settlement agreement reached with the Department of Justice.

The Department of Justice filed a lawsuit in 1999 alleging that the LSAC violated the Americans with Disabilities Act (ADA) when it failed to provide reasonable test accommodations to four persons with physical disabilities to take the LSAT, a standardized test administered to those seeking admission to law school. Some of the applicants who have cerebral palsy and requested extra time to complete the examination because of the nature of their physical disabilities were asked by LSAC to undergo testing for learning disabilities.

Under the terms of the settlement, the LSAC will, among other things:

- * Grant the requested test accommodation to candidates who have been granted the same or comparable accommodation on other standardized admission tests;
- * Give considerable weight to the recommendation of the candidate's doctor or other evaluator;
- * Ensure that LSAC does not require individuals to undergo diagnostic or functional tests that are unnecessary and/or not commonly utilized by the medical community; and
- * Pay \$20,000 to individuals harmed by LSAC's actions.

Under an agreement reached with the Justice Department, Millikin University, located in Decatur, Illinois, has agreed to make its campus more accessible to people with disabilities.

The out-of-court settlement resolves a complaint

filed with the Justice Department alleging that a number of buildings and facilities on Millikin's campus were not accessible to people with mobility impairments. Under the agreement, Millikin has agreed to make accessibility improvements campus-wide, resulting in a broad range of programs being more accessible to persons with disabilities, including academics, dining and living facilities, and social aspects of campus life.

"In order to provide equal access for college students with disabilities, colleges must be prepared to work towards making the entire college experience accessible," said Ralph F. Boyd, Jr., Assistant Attorney General for Civil Rights.

Under the agreement, Millikin University agrees to:

- modify entrances, counters, food service lines, telephones, bathrooms, drinking fountains, seating areas, booths, tables and picnic areas throughout campus so they are accessible to persons with disabilities;
- create accessible routes to, among and within university buildings and other facilities by among other things, repairing sidewalks and curbs, modifying doors, ramps, etc.;
- install an elevator in the student union so that persons using a wheelchair can access each level of the building without the use of a platform lift and without going outside or otherwise leaving the building;
- add accessible seating locations to lecture rooms with fixed seating;
- add accessible seating locations and assistive listening devices to assembly areas;
- add signage throughout campus that can be read by people with vision impairments and so that people with mobility impairments are properly directed to accessible routes and spaces.

The Department of Justice has announced an agreement with a Reno, Nevada substance abuse rehabilitation program that will now provide deaf participants an equal opportunity to join its rehabilitation program for chemically dependent women. STEP 2, a non-profit organization that provides rehabilitation services, and a service provider for deferral programs offered by Nevada courts, has agreed to provide sign language interpreters and other auxiliary aids for persons who are deaf or have speech disabilities and to adopt other new policies to comply with the Americans with Disabilities Act (ADA).

The settlement agreement resolves a disability discrimination complaint filed by a deaf person who uses sign language for communication and who was admitted into STEP 2's residential rehabilitation program for several weeks. Although the woman had no other effective means of communication, no sign language interpreter was provided. In the agreement, STEP 2 denied any discrimination, but cooperated fully with the Department of Justice's investigation.

Under the agreement, STEP 2 will secure appropriate auxiliary aids and services, including qualified sign language interpreters, when necessary to ensure effective communication with a participant with disabilities. STEP 2 will also adopt a written policy to assure effective communication that includes providing the public with information on how to request auxiliary aids and services, information about how requests for interpreters and auxiliary aids will be processed, cooperation in determining the appropriate auxiliary aids, and prompt responses and information about the status of each request.

"The cooperation of STEP 2 led to the creation of this policy, which serves as a model to other agencies providing substance abuse treatment around the country," Boyd added. "Programs like STEP 2 provide a valuable service and are an important adjunct to law enforcement and the judicial system. It is important that each of these programs be accessible to persons with disabilities as well as to others in the community."

The Department of Justice has announced that Maple Star Nevada, a non-profit agency in Las Vegas, Nevada, has agreed to allow deaf and hard of hearing applicants to be considered for selection as foster parents. In addition, the agency agrees to provide effective communication, specifically including sign language interpreters where necessary, in order to communicate effectively with deaf or hard of hearing applicants.

The settlement agreement resolves a complaint filed by a deaf mother who uses sign language for communication, and who contacted Maple Star Nevada for information on applying to become a foster parent. Maple Star allegedly refused to provide an interpreter during the required application process and certification. The deaf applicant was interested in providing foster care services for children with special needs and adolescents who cannot be maintained in large group care or foster care setting.

Under the agreement, the agency will provide the deaf mother an opportunity to apply to be a foster parent, and the agency will secure appropriate auxiliary aids and services, including qualified sign language interpreters, to communicate effectively with the complainant and with any future applicants who are deaf or hard of hearing. Maple Star Nevada will also develop a written non-discrimination policy that requires appropriate receipt and processing of applications by individuals with disabilities and commits Maple Star Nevada to consult promptly with individuals who are deaf or hard of hearing regarding any requests for auxiliary aids or need for a sign language interpreter.

Additional information about the ADA can be found by calling the Department's toll-free information line at (800) 514-0301, (800) 514-0383 (TDD) or the United States Department of Justice website at: <http://www.usdoj.gov/crt/ada/adahom1>.

From Department of Justice press releases.



Insurance Fraud Is a Serious Problem

Insurers of all sizes consider fraud "a serious problem." More than one-third of insurers believe that the amount of fraud has increased over the past three years, in contrast to 6 percent of insurers who believe the amount of fraud has decreased, according to a survey conducted by the Insurance Research Council (IRC) and Insurance Services Office, Inc. (ISO).

More than 40 percent of insurers report spending more to fight fraud during the past three years, in contrast to 3 percent who report spending less. However, insurers rate their efforts in the war on fraud as only moderately effective.

The study analyzes survey responses from 353 large, medium, and small insurance companies that represent 73 percent of the property-casualty market.

Survey respondents identified private passenger auto and workers compensation as the two lines of insurance subject to the most fraud. Respondents indicated that medical malpractice, earthquake, and products liability are subject to relatively little fraud.

Survey respondents also indicated that "soft fraud" - exaggeration of otherwise legitimate claims, often committed by individuals acting alone - is far more frequent than "hard fraud" - deliberate attempts to stage losses, often committed by organized rings. Because of the frequency of soft fraud, it adds more to overall claim costs than hard fraud does.

All companies in the study actively fight fraud, with 82 percent of survey respondents indicating their companies have formal fraud-fighting programs. While more than two-thirds (68 percent) say their companies' programs address claims fraud "thoroughly," only 25 percent say they address application fraud "thoroughly," and 19 percent say they address premium fraud "thoroughly."

To detect fraudulent claims, at least four out of five

companies use internal fraud recognition training, manual red flags or indicator cards, and external databases. At least two-thirds of companies use internal audits, video or audio tape surveillance, information from agents, and internal database searches. No more than one in four use some of the newer mathematical or analytical techniques, but higher percentages use external databases.

Insurers agree on the importance of mobilizing public opinion to fight fraud, but only 48 percent of survey respondents report that their companies have tried to educate their policyholders or the general public about how fraud affects them. Insurers also overwhelmingly agree on the need for tough enforcement of existing laws at the federal, state and local levels. On a list of 30 items that insurers rated in terms of their importance to anti-fraud efforts, 8 of the top 15 relate to the critical nature of support from law enforcement, prosecutors and judges; tough civil and criminal penalties for committing insurance fraud; and statutes that support insurers in the war on fraud. On a scale from 1 (not important) to 5 (very important), 95 percent of respondents rated enforcement of existing penalties either 4 or 5, with 94 percent rating support of prosecutors and judges similarly.

"Insurance companies of all sizes are actively fighting fraud at all levels and in all lines," said Elizabeth A. Sprinkel, senior vice president of the IRC. "They wish, however, that they had more support from legislatures, the law enforcement community and the courts in waging war on this social problem that harms both insurers and the people they serve."

"Insurers cannot prosecute criminal claim fraud on their own. Only law enforcement officers and prosecutors can do that," noted Richard Boehning, senior vice president of ISO. "Without the right laws, vigorous enforcement, and judges who impose stiff sentences, the deterrents to committing insurance fraud may never be strong enough to shield honest policyholders from the costs imposed by those who cheat the system."

From an Insurance Research Council press release.



WORKERS' COMP FRAUD

Attorney General Ken Salazar has announced convictions of an Aspen-area individual and a former girlfriend for workers' compensation fraud.

"Workers' compensation fraud rips off legitimate businesses and other Colorado taxpayers," Attorney General Salazar said in announcing the convictions. "Individuals who scam the system should know that stiff criminal penalties can apply."

Following a week-long trial, an Arapahoe County District Court jury convicted Robert J. Witek of Aspen of theft over \$15,000 (class three felony) and of making a false statement in order to obtain workers' compensation benefits (class five felony). The jury convicted Jennifer Weber, formerly of Aspen, of making a false statement in order to obtain workers' compensation benefits.

Sentencing is scheduled for May 14. The State will be seeking a restitution order against both defendants jointly for recovery of over \$45,000 paid in benefits. Subject to eligibility for probation, a class three felony conviction can result in a prison sentence of 4-12 years. A class five felony conviction can result in a prison sentence of between 1-3 years.

Attorney General Salazar's office filed criminal charges against Witek and Weber in May 2000. Robert Witek and Jennifer Weber were each charged with one count of felony three theft (over \$15,000) and one count of submitting a false statement to obtain workers' compensation benefits (class five felony).

The charges and convictions stem from a claim filed by Robert Witek d/b/a RJW Builders of Aspen in May 1999 for benefits for injuries sustained in a workplace accident by one of his alleged employees, Jennifer Weber. Witek claimed that Jennifer Weber was an

employee of his business who was injured while on duty delivery building blueprints when she fell off a "pickup scooter". At the time of the accident and claim being filed, Weber was the girlfriend of Robert Witek. The accident for which the workers' compensation claim was filed in reality turned out to be non-employment related. In May 1999, during a social gathering at Witek's Aspen home, Weber and another friend decided to take a ride on a moped. An accident ensued and Weber, the passenger on the moped, received injuries to her elbow.

Weber received approximately \$15,000 in temporary total disability benefits from Pinnacol Assurance (the State's workers' compensation authority). In addition, Pinnacol paid over \$30,000 to medical providers for treatment of Weber's injuries.

A secretary (now former employee) for Witek informed the Colorado Division of Insurance that the accident for which the claim was filed was not a business accident. The Division of Insurance turned the matter over to the Attorney General's Office in the fall of 1999 for consideration of possible legal action.

In the course of the Attorney General's Office investigation, the secretary further noted that Weber was not an employee of Witek's business at the time of the accident. Upon completion of its investigation, the Attorney General's Office filed its criminal charges against Witek and Weber in Arapahoe County District Court. Pinnacol Assurance is located in Arapahoe County.

From a Department of Law press release.



PINNACOL FRAUD HOTLINE

Pinnacol Assurance has a Fraud Hotline you can call to report suspicious Workers Compensation claims. In Denver, call 303-782-1888

Toll-free, call **1-800-873-1888**



Workplace Mental Health Partnership

The American Psychiatric Association and leading U.S. employers have launched the ***National Partnership for Workplace Mental Health*** to combat the mental health impact of terrorism, disaster and economic uncertainty in the workplace.

The 14-member National Partnership will provide employers nationwide with a first-response capability—educational materials, training and other tools—to meet the mental health needs of their employees in the wake of terrorism and disaster.

"Employers across the country—both large and small—need to be better prepared to cope with the psychological fallout associated with major disaster," said Paul Huard, senior vice president, National Association of Manufacturers. "The partnership will give us the knowledge and the tools employers need to help their own employees. Potentially, we can make a major contribution to worker health and productivity," he added.

Founding members—who will provide advice and counsel as this workplace initiative expands its outreach—include: ***American Psychiatric Association, Centers for Disease Control and Prevention, Center for Mental Health Services, Constellation Energy, Delta Air Lines, Dow Chemical, DuPont, GlaxoSmithKline, Hughes Electronics, IBP, Merrill Lynch, National Association of Manufacturers, The Goldman Sachs Group, Inc., UnumProvident Corporation.***

The Partnership will establish a Service Center located at the American Psychiatric Association in Washington, D.C. Center staff will develop a broad array of services including:

- Science-based mental health educational materials tailored to specific industries and work sites;

- Training curricula that employers can adapt to the needs of their workforce;

- Tool kits to screen employees for early signs of stress and mental distress;

- A corps of trainers to assist employers with identifying and responding to mental health issues;

- A web site <http://www.workplacementalhealth.org/> will be a primary communication channel between the Partnership and employers of all sizes across the country at no cost; and

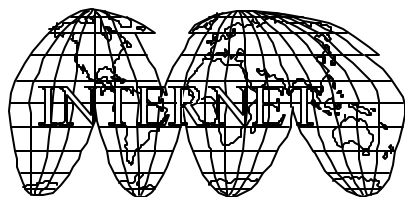
Studies on workplace mental health issues, and on the comparative effectiveness of new workplace mental health prevention and intervention strategies.

"The employers in this partnership already have in place extraordinary programs for helping their employees deal with disaster and maintain mental health," said Richard K. Harding, M.D., president, American Psychiatric Association. "The goal of the partnership is to further hone these 'best practices' and disseminate them to the rest of the employer community."

Mental disorders exact a heavy toll on the workforce. Prior to September 11, depression was the third-ranked workplace health problem. Work days lost to depression exceed absences due to diabetes, hypertension, heart disease and back problems. The National Institute of Mental Health conservatively estimates that lost productivity, absenteeism, and disability due to mental illness cost U.S. employers an estimated \$70 billion annually.

A post-attack study by the Pew Research Center reported that more than half of Americans reported classic symptoms of clinical depression and anxiety, including trouble sleeping and concentrating. Many employees remain anxious about possible future terrorism.

"We intend to work with other companies and the APA through the National Partnership to help businesses directly affected by the events of 9/11 identify workers who could benefit from psychiatric or psychological evaluation and treatment, and to offer expert guidance and support in accessing those services," said David J. McDowell, Ph.D., vice president and regional medical director, UnumProvident Corporation.



Internet Information

Websites for Risk Management...

There are more Risk Management-related websites than can be listed here, but here are some:

Training

An interesting website on biological warfare:
<http://library.thinkquest.org/21659/experiment/>

Department of Human Services programs:
<http://www.cdhs.state.co.us/OPI/EmploymentAffairs/RI SK/programs.html>

PowerPoint safety training from Vermont SIRI:
<http://siri.uvm.edu/ftp/ppt/powerpt.html>

Emergency Management Institute training:
<http://training.fema.gov/EMIWeb/crslist.htm>

Oregon OSHA's On-Line Training:
<http://www.cbs.state.or.us/external/osha/educate/training/pages/courses.htm>

And don't forget our training seminars:
http://www.state.co.us/gov_dir/gss/hr/risk/OnLineTraining.htm

Workplace Violence and Security

National Threat Assessment Center:
<http://www.treas.gov/usss/ntac.shtml>

Colorado Office of Emergency Management:
<http://www.dola.state.co.us/oem/oemindex.htm>

Emergency Preparedness Information Exchange:
<http://epix.hazard.net/>

State Agency Risk Management sites

Department of Natural Resources:
<http://www.dnr.state.co.us/SAFETY/INDEX.HTML>

Colorado School of Mines:
<http://www.mines.edu/Admin/support/ehs/>

Colorado State University:
<http://www.ehs.colostate.edu/>

University of Colorado:
<http://urm.colorado.edu/index.html>

University of Northern Colorado:
<http://www.unco.edu/safety/>

University of Southern Colorado:
<http://www.uscolo.edu/ehs/>

Other Useful Sites

Division of Workers Compensation:
<http://www.coworkforce.com/DWC/>

Colorado Code of Regulations:
http://www.state.co.us/gov_dir/leg_dir/olls/HTML/rules.htm

Colorado Statute Manager:
<http://64.78.178.9/stat01/index.htm>

Hartford Steam Boiler Insurance Company:
<http://www.hsb.com/>

Marsh (Insurance Broker):
<http://www.marsh.com/>

And don't forget us!
http://www.state.co.us/gov_dir/gss/hr/risk/riskindex.htm



EEOC UPDATE

EEOC ISSUES 2001 ENFORCEMENT DATA

The U.S. Equal Employment Opportunity Commission (EEOC) announces that it has released comprehensive enforcement and litigation statistics for Federal Fiscal Year 2001. According to the new data, posted online at <http://www.eeoc.gov>, total discrimination charges filed against private employers increased one percent from the previous year to 80,840 - the highest level since the mid-1990s.

The types of discrimination with the highest rate of increase in FY 2001, compared to the prior year, were allegations of discrimination based on age (one and one-half percentage point increase) and disability (one-half percentage point increase). All other types of charge filings either declined slightly (less than one-half percentage point) or remained level compared to FY 2000.

Of the 80,840 total charges filed with EEOC, the most frequent types of discrimination alleged were based on:

Race - 28,912 or 35.8 percent of all charge filings.

Sex/Gender - 25,140 or 31.1 percent of all filings.

Retaliation (all statutes) - 22,257 or 27.5 percent of all filings.

Age - 17,405 or 21.5 percent of all filings.

Disability - 16,470 or 20.4 percent of all filings.

Other types of charge filings included allegations based on:

National Origin - 8,025 or 9.9 percent of all filings.

Religion - 2,127 or 2.6 percent of all filings.

Equal Pay - 1,251 or 1.5 percent of all filings.

The number of total charges reflects the number of individual charge filings with EEOC against private employers and state and local governments. Specific types of alleged discrimination and their percentages of total charges add up to more than 100% because multiple types of discrimination are often alleged.

The Justice Department has announced that it has filed a lawsuit against the Northwest New Mexico Regional Solid Waste Authority over allegations of racial and sexual harassment against Desbah Padilla, a Native American female, and other women who have worked or continue to work at the Waste Authority.

The complaint, filed in the United States District Court in Albuquerque, also alleges that the Waste Authority created a work environment that was so racially and/or sexually hostile that Padilla and other similarly situated female employees were forced to resign from their jobs at the Waste Authority. The complaint further alleges that the Waste Authority has failed to take appropriate actions to remedy the effects of the discriminatory treatment.

“The Justice Department is committed to rooting out discrimination in whatever guise it may present itself,” said Ralph F. Boyd, Jr., Assistant Attorney General for Civil Rights. “No one should have to fear going to work because of their race or gender.”

Ms. Padilla originally filed a discrimination charge with the Equal Employment Opportunity Commission (EEOC), which investigated the matter and found reasonable cause to believe that violations of Title VII had occurred. After unsuccessfully attempting to conciliate the matter, the EEOC referred the charge to the Justice Department.

“Our goal is to eliminate racial and sexual harassment in the workplace,” said Georgia Marchbanks, Enforcement Manager, Albuquerque District Office of the Equal Employment Opportunity Commission.

The Justice Department's complaint asks the court to award remedial relief to Padilla and similarly situated present or former Waste Authority employees for the losses they have suffered as a result of the discrimination and to order the Waste Authority to take other appropriate measures to overcome the effects of the discrimination.

Additional information about the Justice Department's Civil Rights division is available at: <http://www.usdoj.gov/crt/crt-home.html>

From Department of Justice and EEOC websites.



SECURITY UPDATE

Public Health Officials Outline Bioterrorism Preparations

State and Denver metropolitan area public health officials are telling what has been and is being done in Colorado to prepare for a bioterrorism threat and how the state's citizens can be helpful in that work.

A brochure on "Home Emergency Preparedness in Colorado" has been printed by the Department of Public Health and Environment and is being distributed throughout the state. It is available at: http://www.cdphe.state.co.us/public_health_week/PHwk2002revstate.pdf

Initial work done in Colorado, which laid the groundwork for current bioterrorism preparedness efforts, included:

- ? Increasing the capacity of the Department of Public Health and Environment's laboratory to conduct more rapid testing for anthrax, plague, tularemia and brucellosis.
- ? Establishing a Health Alert Network, which permits urgent health-related messages to be e-mailed and faxed to 600 agencies and individuals across Colorado
- ? Conducting training and planning, particularly with the state's 15 local health departments, to prepare for any bioterrorism incident

Bioterrorism preparations being proposed in the state include:

- ✓ Providing the state's 15 local health departments with the training and equipment they need to implement their bioterrorism response plans
- ✓ Increasing computer-based disease surveillance and reporting capabilities within Colorado.
- ✓ Providing further training in identifying infectious diseases.

From a Public Health and Environment press release

New Security Technology

Applied Biometrics Products Inc., a recognized leader in fingerprint recognition, has developed a portable battery-operated fingerprint recognition system.

Their core technology combines proprietary software and hardware designs that have produced a cost effective, low power, small footprint module capable of portable use. This patented technology has the capability of being integrated into virtually any product across a wide range of platforms and applications. The technology is currently being utilized and evaluated by many Fortune 500 companies and government agencies. Their hardware has low power, battery operation, and portable design. <http://www.appliedbiometrics.net/>

Applied Digital Solutions, Inc has announced that it has received written guidance that the U.S. Food and Drug Administration (FDA) does not consider VeriChip to be a regulated medical device. This clears the way for the company to begin sales, marketing and distribution of VeriChip™ in the United States.

VeriChip is a miniaturized, implantable, radio frequency identification device (RFID) that can be used in a variety of security, emergency and healthcare applications. About the size of a grain of rice, each VeriChip is composed of FDA-accepted materials and contains a unique verification number. That number is captured by briefly passing a proprietary, external scanner over the VeriChip. A small amount of radio frequency energy passes through the skin energizing the dormant VeriChip, which then emits a radio frequency signal transmitting the verification number.

Applied Digital Solutions provides a range of early warning alert, miniaturized power sources and security monitoring systems combined with the comprehensive data management services required to support them. End users include commercial operations, government agencies and consumers. <http://www.adsx.com>

From company press releases



351400010

State Risk Management
1313 Sherman St. #114
Denver, CO 80203

